

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE  
LAKE AND LAKESHORE CONSTRUCTION PERMIT  
FLP-21-81 GREG SWANBERG  
OCTOBER 27, 2021**

A report regarding a request for a lakeshore construction permit to install a floating ‘T’ dock within the Lakeshore Protection Zone (LPZ) of Lake Five. This request has been determined by the Flathead County Board of Commissioners to require Flathead County Planning Board review and recommendation as the project may have a significant impact on the lake, lakebed, or lakeshore, as outlined in Section 3.3(B) of the Flathead County Lake and Lakeshore Protection Regulations (FCLR).

**I. APPLICATION REVIEW**

**A. Planning Board**

The Flathead County Planning Board will conduct a public hearing on the lakeshore construction permit application on November 10, 2021, at 6:00 P.M. in the second floor Conference Room of the South Campus Building located at 40 11<sup>th</sup> Street West in Kalispell, Montana. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

**GENERAL INFORMATION**

**A. Application Personnel**

**1. Applicant/Property Owner**

Greg Swanberg  
7452 Dyers Mill Lane  
Scottsville, VA 24590

**B. Property Location and Size**

The subject property is located on Grizzly Spur in West Glacier, MT. There is no property address for the subject parcel. The assessor number is 0977865. The property is approximately 1.95 acres, has 330 feet of shoreline per Certificate of Survey No. 9764, and can be legally described as Tract 4B in Government Lot 4 in Section 10, Township 31 North, Range 19 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject property outlined in blue.



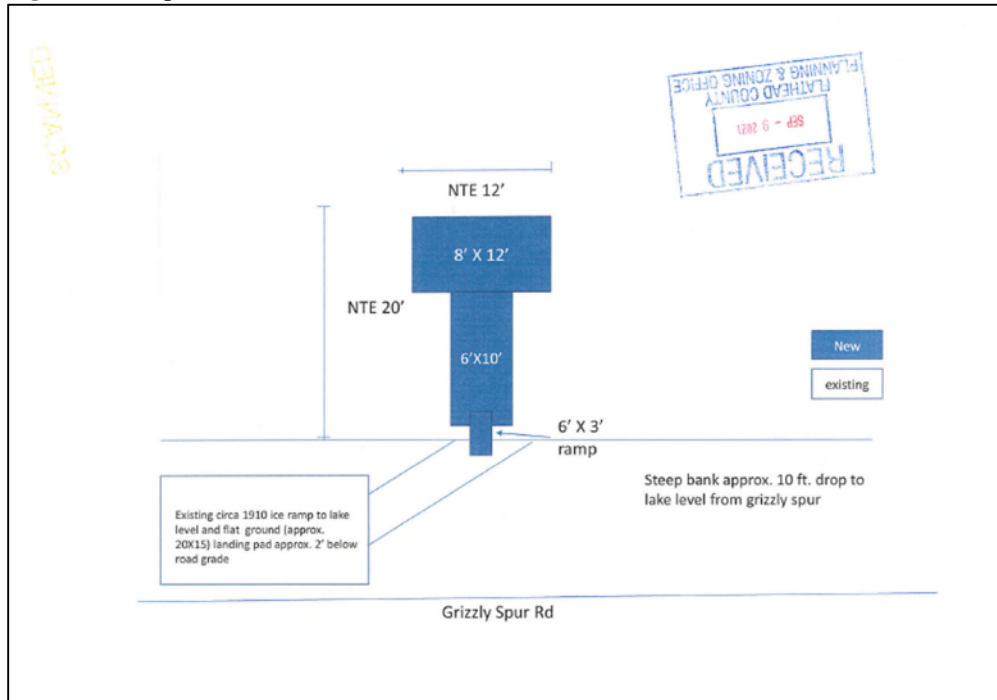
## **B. Summary of Request**

The applicant is requesting a lakeshore construction permit to install a floating dock with a small gangway within the Lakeshore Protection Zone (LPZ) of Lake Five. Currently, the only existing development within the LPZ on the subject property is a portion of Grizzly Spur, which is the private access road. Additionally, there is a section of ground that was historically used as an ice ramp. The ground where the ice ramp was historically used is essentially a 15'x20' area that is free of vegetation. Nothing manmade exists here aside from a small wooden boardwalk that is not permanent.

The floating 'T' dock will extend roughly 20 feet from the lakeshore. The aluminum gangway will be 6 feet in length by 3 feet in width, the main portion of the dock will be 10 feet in length by 6 feet in width, and the breakwater wing will be 12 feet in length by 8 feet in width and parallel to the shoreline. The floating dock will be constructed of aluminum framing and will be anchored to the lake bottom with galvanized chain or cable and concrete blocks. The total impervious coverage for this installation will equal 174 sqft, which is within the limitations based on the lake frontage. Additionally, the dock will be placed in a location on the property that meets the riparian setback requirement.

The property currently contains no impervious cover over the water or within the LPZ. The total of all constructed impervious surface areas shall not exceed 2,640 square feet over the water and 3,300 square feet within the LPZ, based on the 330 feet of shoreline. The proposed project would result in significantly less impervious cover than the maximum allowed for the property.

**Figure 2: Site plan**



## II. EVALUATION OF REQUEST

The criteria outlined in the Flathead County Lake and Lakeshore Protection Regulations (FCLR) Section 4.1 Policy Criteria for Issuance of a Permit were used to determine findings of fact and to evaluate the significant impact the request may have on the lake, lakebed, or lakeshore.

### A. Materially diminish water quality

This request is not anticipated to materially diminish the water quality of Lake Five. The floating dock will be built and installed to the standards of the Flathead County Lake and Lakeshore Protection Regulations.

One of the policies of the lakeshore regulations is increased sedimentation in the lake should be minimized to the greatest extent possible, as a protection for water quality and fish habitat. All work within the LPZ must comply with the general construction standards outlined in Section 4.2 FCLR. The requested lakeshore construction permit would be conditioned to adhere to these standards. Short-term water quality issues could be mitigated by undertaking certain work activities during seasonal low pool and utilizing construction materials that do not degrade water quality. The impervious surface of the proposed improvements would be significantly less than the maximum impervious surface allowed for the property based on the 330 feet of shoreline. The smaller impervious surface area would reduce the potential amount of run-off and the impact on water quality would be minimal.

The proposed project appears to comply with the design standards outlined in Section 4.3 FCLR. The floating dock would have an open design allowing for water to flow freely underneath the structure.

### B. Materially diminish habitat for fish or wildlife

As previously stated, the open nature of the dock should not have an impact on habitat for fish or wildlife as water and aquatic species may pass freely underneath of the structure. Additionally, the smaller impervious surface area would reduce the potential amount of run-off and the impact on water quality would be minimal.

**Finding #1:** The proposed project would not materially diminish water quality or habitat for fish or wildlife because the constructed impervious surface areas would be less than the total impervious surface allowed for the property and all work would be required to comply with the general construction and design standards of the Flathead County Lake and Lakeshore Protection Regulations.

**C. Interfere with navigation or other lawful recreation**

The project is not anticipated to have a significant impact on navigation or lawful recreation as a result of the dock because the proposed improvements comply with the design standards. The dock would be less than 60 feet in length and located in a permissible location regarding riparian setbacks.

**Finding #2:** The proposed project is not anticipated to interfere with navigation or other lawful recreation as a result of the dock because the project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.

**D. Create a public nuisance**

The project is not anticipated to create a public nuisance because the proposed dock appears to comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations, thus, no variances are being requested with the application. The subject property has 330 feet of shoreline, and the structures would be located well within the riparian setbacks.

**Finding #3:** The proposed project would not create a public nuisance because the structures would be located within the riparian boundaries on a property that has 330 feet of shoreline, and the project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.

**E. Create a visual impact discordant with natural scenic values, as determined by the governing body, where such values form the predominant landscape elements.**

As previously stated, the proposed project appears to comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations. The project is not anticipated to create a visual impact greater than what currently exists on the surrounding shoreline as many other properties along the lake contain similar improvements and no variances to the regulations are being requested as part of this application.

**F. Alter the characteristic of the shoreline**

As previously stated, there are currently no structures or improvements within the LPZ on the subject property except for a portion of the road. Although the proposed project would alter the shoreline on the subject property, the project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations, and the characteristic of the shoreline would be similar to other lakefront properties.

**Finding #4:** The proposed project would not create a visual impact discordant with the natural scenic values or alter the characteristic of the shoreline because other properties along the lake contain similar improvements and the project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.

### **III. SUMMARY OF FINDINGS**

1. The proposed project would not materially diminish water quality or habitat for fish or wildlife because the constructed impervious surface areas would be less than the total impervious surface allowed for the property and all work would be required to comply with the general construction and design standards of the Flathead County Lake and Lakeshore Protection Regulations.
2. The proposed project is not anticipated to interfere with navigation or other lawful recreation as a result of the dock because the project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.
3. The proposed project would not create a public nuisance because the structures would be located within the riparian boundaries on a property that has 330 feet of shoreline, and the project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.
4. The proposed project would not create a visual impact discordant with the natural scenic values or alter the characteristic of the shoreline because other properties along the lake contain similar improvements and the project would comply with the design standards of the Flathead County Lake and Lakeshore Protection Regulations.

### **IV. CONCLUSION**

Per Section 3.3 and Section 4.1 of the Flathead County Lake and Lakeshore Protection Regulations, a review and evaluation by staff comparing the application for a Lakeshore Construction Permit to the policy criteria for issuance of a permit has found the proposal to generally comply with the review criteria, based upon the draft Findings of Fact outlined above.

### **V. CONDITIONS OF APPROVAL:**

#### **A. Standard Conditions of Approval:**

1. No other activities are permitted within the Lakeshore Protection Zone other than those listed and/or conditioned by this permit.
2. Mechanized vehicles shall be allowed on the lakeshore only in connection with this project. Should any vehicle slice, gouge, or rut the beach, become stuck or expose clay, silts, and fine sands, said vehicle shall be immediately removed from the Lakeshore Protection Zone and an alternative procedure shall follow [Section 4.2(D)(2)(e)].
3. No vehicle shall come in contact with the lake water.
4. All construction debris shall be disposed of outside the Lake and Lakeshore Protection Zone in such a manner and in such a location so as to prohibit its reentry into the lake, per Section 4.2(F)(2).
5. Temporary stockpiling of materials is prohibited in the Lakeshore Protection Zone [Section 4.2(C)(2)(b)].
6. All wood used in the Lakeshore Protection Zone, or in the construction of over-water structures, shall be untreated and left in its natural state. No preservatives including varnish, stain, paint, linseed oil, diesel fuel, creosote or any other surface or pressure treated preservatives are allowed [Section 4.2(B)(2)(a)(1)].
7. This permit must follow the dimensions and project description as submitted, unless amended by the Flathead County Lake and Lakeshore Protection Regulations.
8. The proposed activity shall not, during either its construction or utilization, alter the existing grade of the shoreline.

## **B. Project Specific Conditions of Approval:**

### *Floating Docks:*

9. Only one dock is allowed per waterfront property ownership [Section 4.3(A)(2)(a)(1)].
10. Docks shall not exceed sixty (60) feet in length if there is five (5) feet of water depth at the end of the dock when the lake is at its mean annual high-water elevation [Section 4.3(A)(2)(a)(2)].
11. Where boat access is provided to a dock structure, a minimum of twenty-five (25) feet shall remain open between the dock structure and the riparian boundary for safe boat access. Said setback shall also apply to distances between dock structures and stream and spring outlets (see Section 4.2, G.2.c.) [Section 4.3(A)(2)(a)(4)].
12. The breakwater portion of a dock shall be reasonably parallel to the shoreline and shall not exceed a length equal to thirty (30) percent of the property's shoreline frontage, or thirty (30) feet, whichever is less [Section 4.3(A)(2)(a)(5)].
13. Various dock configurations are allowed which provide boat slip access if constructed within the standards of these regulations [Section 4.3(A)(2)(a)(6)].
14. Breakwater baffle boards may be placed along the sides of docks to break wave action along open stretches of dock; however, the boards shall be placed no closer than three (3) feet from the existing lake bottom or shoreline to allow for free movement of lake currents [Section 4.3(A)(2)(a)(7)].
15. The width of the deck of a dock shall be limited to eight (8) feet [Section 4.3(A)(2)(a)(9)].
16. All rock fill placed in crib docks shall exceed four (4) inches in diameter. Any fill that is placed in crib docks shall consist of clean rock and be free of any materials such as sand, silt and clay [Section 4.3(A)(2)(b)(1)].
17. If foam logs (note - Styrofoam is prohibited) or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely wrapped and secured by galvanized mesh wiring with a maximum one (1) inch opening and then completely encased in solid wood or a suitable impervious, non-corrosive material such as aluminum or galvanized sheet metal so as to avoid the breakup or scattering of materials. Plywood, particle board, etc. shall not be used. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the lakeshore protection zone [Section 4.3(A)(2)(c)(1)].
18. Floating docks should be removed from the water by December 1 and anchored securely to avoid ice damage and improve the appearance of the shoreline [Section 4.3(A)(2)(c)(2)].
19. All floating docks shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks or a temporary pipe and post system which allows the dock sections to slide up and down [Section 4.3(A)(2)(c)(3)].

Planner: LS